

REMARKS

Claims 1-20 are currently pending in the subject application. Claims 5-14 and 16 are withdrawn from consideration. Claims 1, 3 and 17 are independent. Claims 1-3 and 17-18 have been amended. No new matter has been added.

A. Asserted Anticipation Rejection of Claims 1-4, 15 and 17-20

In the outstanding Office Action Made Final, and maintained in the Advisory Action dated February 5, 2008, claims 1-4, 15 and 17-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0198184 to Huang et al. (“the Huang et al. reference”). Claims 1, 3 and 17 have been amended to more clearly recite an embodiment. It is respectfully submitted that these independent claims are allowable for at least the reasons set forth below.

All of the independent claims now essentially recite, in part, “wherein the transmission buffer state information includes an amount of standby multimedia data in the transmission buffer.” This is clearly disclosed, for example, in paragraph [0045] of the original specification. It is respectfully submitted that this clarification precludes the Huang et al. reference from reading on the independent claims.

The remaining rejected claims depend from respective ones of independent claims 1, 3 and 17, and are believed to be allowable for at least the reasons set forth above. Therefore, it is requested that this rejection be withdrawn.

B. Conclusion

The above remarks demonstrate the failings of the applied art, and are sufficient to overcome them. However, while these remarks may refer to particular claim elements, they are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, applicants respectfully submit that the claims are allowable for reasons including, but not limited to,

those set forth above, and patentability of the claims does not depend solely on the particular claim elements discussed above.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

Respectfully submitted,

LEE & MORSE, P.C.

Date: February 21, 2008



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PETITION and  
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.